

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is requested. After entry of this reply, claims 1 and 3-10 are pending in the application. In this Response and Amendment, claims 1, 3-4 and 6-10 are amended, claim 2 has been cancelled.

Claim Rejections – 35 USC § 102

The Examiner rejects claims 1 and 3/1 under 35 USC § 102 as anticipated by U.S. Patent No. 6,789,422 to Ward, Jr. ('Ward').

Applicants respectfully traverse the rejection.

Applicants have amended claim 1 to include the subject matter of claim 2 which is not found in the Ward patent. Further, dependent claim 3 which depends from claim 1 will include the subject matter of claim 2 (now cancelled and included in claim 1).

Applicants respectfully submit the rejection under 35 USC § 102 should be withdrawn and the claims moved to allowance.

Claim Rejections – 35 USC § 103

The Examiner rejects claims 1 and 3 under 35 USC § 103 as obvious over by U.S. Patent No. 5,412,985 to Garcia et al. ("Garcia") in view of U.S. Patent No. 6,526,829 to Lysen et al. ('Lysen').

Applicants respectfully traverse the rejection.

The Examiner opines that the combination of Garcia and Lysen renders the subject matter of claim 2 (now cancelled and included in claim 1) obvious. However, the Examiner does not cite any passage in either Garcia or Lysen to support his assertion that "[u]se of a reference trajectory would be a further expedient to aid in analysis since such would ease comparison". Office Action page 3-4. Further, Applicants respectfully submit the Examiner

has failed to explain why one “skilled in the art” would be motivated to make a comparison, or specifically give examples of such a comparison.

Garcia is concerned with providing a system for obtaining accurate measurement of magnitude and phase (see column 2 lines 41-44). Garcia, is silent about the use to which the magnitude and phase can be applied; other than a general reference to a power spectrum (see column 1 lines 15-24, and column). Figures 12 and 13 of Lysen show polar diagrams, but there is no teaching or suggestion in Lysen that the trajectory of one of these diagrams should be compared with a reference trajectory, let alone a reference trajectory for a period in which the “roller bearing” experiences the same variation in rotational speed. Thus, considering *arguendo* that Garcia and Lysen are combinable (which Applicants do not) the combination does not provide or render obvious the method of amended claim 1.

The present inventions illustrates that if amplitude and phase information is obtained for the same apparatus over different acceleration periods and without reference to the same rotary position, then the polar diagram for each period will generally rotate relative to the other periods (e.g. as shown in Figures 7a and b of the present application), but that despite this rotation, a comparison of the trajectories can still provide useful information about the behavior of the apparatus. In particular, a reference trajectory that is representative of “normal” behavior allows departures from normality to be identified. Therefore, Applicants respectfully submit amended claim 1 is inventive over Garcia and Lysen.

Applicants respectfully submit the rejection under 35 USC § 103 to claim 1 and 3 (as amended) should be withdrawn and the claims moved to allowance.

Applicant further submits that claims 3-10 (as amended) which depend from claim 1 should be allowed.

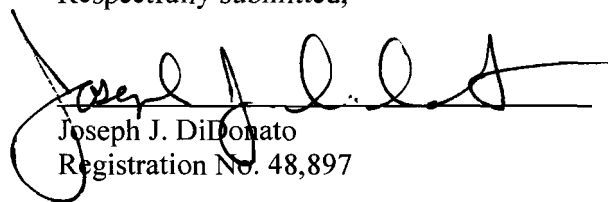
CONCLUSION

In light of the above amendments and remarks, Applicants submit that pending claims are allowable, that the application is in condition for allowance, and requests that the Examiner issue an early notice of allowance. The Examiner is invited to call the undersigned attorney to advance prosecution of this application.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 02-2555.

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Respectfully submitted,



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